



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

March 18, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Senate Bill 1236, SD2, HD1 - Relating to Parking for Persons with Disabilities

The Disability and Communication Access Board (DCAB) is the State agency that administers the statewide program on parking for persons with disabilities. DCAB supports Senate Bill 1236, SD2, HD1, but we prefer Senate Bill 1236, SD2, which crossed over from the Senate. We recommend that this bill be further amended to reinsert the contents of Senate Bill 1236, SD2.

Senate Bill 1236 was originally introduced by the Governor at the request of DCAB and was reviewed by the State Department of the Attorney General prior to introduction.

The purposes of the bill are to:

- 1) Prohibit the unauthorized sale or purchase of certain disability parking permits;
- 2) Clarify the authority of law enforcement officers and commissioned volunteer enforcement officers to confiscate disability parking permits in certain circumstances;
- 3) Clarify but not change, the eligibility requirements to obtain a disability parking permit;
- 4) Adds the term "disability parking permit" that encompasses the various forms of a disability parking permit; and
- 5) Limits the privilege of parking a vehicle in an on-street metered parking space without payment of parking fees for the first two and a half hours or the maximum time the meter allows, whichever is longer, available to only permittees who are licensed drivers and are not personally able to reach or operate parking meters or pay stations because of a physical disability.

DCAB is aware of one instance of a Hawaii disability parking permit offered for sale online, and therefore supports adding a provision to the parking statute to make the practice illegal.

DCAB supports the addition of a provision to the parking statute that uses express, unequivocal wording to authorize law enforcement officers and commissioned volunteer enforcement officers to confiscate disability parking permits that are invalid or illegally used by someone other than the permittee. This provision is necessary to help law enforcement remove invalid permits from circulation and to reduce the abuse of permits.

DCAB supports requiring the certifying physician or advanced practice registered nurse to identify a permit applicant's (1) qualifying health condition and (2) its functional impact on the applicant's physical inability to walk two hundred feet without stopping to rest. This amendment to the "person with a disability" definition will help physicians and advanced

practice registered nurses certify only applicants who are eligible to obtain a permit, but it will not change the eligibility requirements.

DCAB supports adding a definition of the term "disability parking permit" to the parking statute to mean "a removable windshield placard, special license plate, temporary removable windshield placard, or distinguishing parking device, code, or placard." Use of the new term would eliminate the need to repeat the lengthy phrase multiple times throughout the statute.

The law, at one time did not provide any free parking at meters. That was changed by Act 161 in 1990. The current parking meter fee exemption has become a free parking benefit for all permittees. The exemption was intended for drivers who could not reach or operate parking meters because of a physical disability. However, the unintended consequence of the current exemption was the creation of an incentive for persons to obtain a permit for the benefit of free parking. In addition, the exemption created an added temptation for those other than the permittees, such as family members, to illegally use the permit to obtain free parking at meters. We should note that this bill does not change any person's eligibility for a permit or suggest that they do not need a permit. It only removes the free meter privilege for those who can personally feed meters or who are driven by someone else who can feed the meter.

Importantly, limiting the meter exemption as proposed does not take away from any permittee the right to park in a parking space reserved for persons with disabilities. Permittees, as certified by a physician or advanced practice registered nurse, need - (1) parking that is closest to an accessible entrance of a facility, and or (2) a five foot or eight foot wide access aisle next to the parking space to enter or exit their vehicle with or without a mobility device or because they cannot walk two hundred feet without stopping to rest due to a diagnosed condition.

Four other states have limited the exemption as proposed in Senate Bill 1236, SD2, and based on those states' data, we estimate that between three and seven percent of Hawaii permittees would qualify for the meter fee exemption permit.

Thank you for the opportunity to provide testimony.

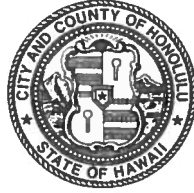
Respectfully submitted,



FRANCINE WAI
Executive Director

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
JONATHON GREMS
DEPUTY CHIEFS

OUR REFERENCE **AP-GR**

March 18, 2019

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 1236, S.D. 2, H.D. 1, Relating to Parking for Disabled Persons

I am Andre Peters, Acting Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

Senate Bill No. 1236, S.D. 2, H.D. 1, would allow any law enforcement and commissioned volunteer enforcement officers the ability to cite and confiscate fraudulent placards.

The Revised Ordinances of Honolulu, Section 15-4.10, states that the Chief of Police shall commission special officers designated by the director of the department of transportation services to issue citations for all nonmoving traffic violations including but not limited to citations for parking and tow zone violations. These special officers are designated as parking violation clerks in the HPD. The HPD requests that the bill be amended to add in language of "special officers" to the list of authorized persons.

The HPD supports creating a misdemeanor offense for the sale, manufacture, alteration, or unauthorized use of valid or invalid placards.


The HPD urges you to support Senate Bill No. 1236, S.D. 2, H.D. 1, Relating to Parking for Disabled Persons.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Susan Ballard
Chief of Police


Andre Peters, Acting Captain
Traffic Division

Serving and Protecting With Aloha

March 15, 2019

To: House Committee on Judiciary

From: Bryan K. Mick

Re: SB 1236 SD 2 HD 1 Relating to the Parking Program for People with Disabilities
– Hearing on March 18, 2019 at 2:05 pm

Aloha Chair Lee and committee members,

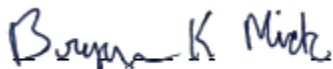
I write to you in full support of SB 1236 SD 2 HD 1. However, the language in the version that crossed over (SB 1236 SD 2) was much better than what was inserted by the prior committee. The new language omits several distinct provisions which are designed to combat parking permit fraud and abuse. Most notably it does not clarify that the exemption from payment of parking meters should be only given to those who drive and are unable to reach or operate a parking meter, despite the prior committee's report stating the bill accomplishes this.

It is critical that the bill be further amended by this committee in order to do this. Free parking has become an incentive for people to obtain a permit when not qualified, alter the expiration dates on their permit, borrow a permit that was issued to someone else, or to overstay the amount of time that's legally exempted from payment (two and a half hours of the maximum time the meter allows, whichever is longer). Hawaii would be the fifth state to restrict parking in this manner, while 23 states provide no free parking for anyone at the state level. With the recent increase in parking meter rates in the urban core of Honolulu and Waikiki, a standard shift employee who uses a disability parking permit to improperly avoid paying a meter is avoiding over **\$7,000** in annual parking meter fees.

The City of Boston Inspector General estimates the City is losing between \$900,000 and \$3 million per year due to parking permit abuse. It is likely the State of Hawaii is losing that much, if not more.

If the State wants to provide transportation related subsidies for people with disabilities, it should do it in a way where all types of disabilities are eligible, not just mobility ones, and it should allow for greater safeguards against fraud and abuse than the disability parking permit system can offer. The tiered system SB 1236 SD 2 proposes is a good compromise.

Mahalo,

A handwritten signature in blue ink that reads "Bryan K. Mick". The signature is written in a cursive, flowing style.

Bryan K. Mick

Testimony of Kirby L. Shaw

House Committee on Judiciary
Monday, March 18, 2019
2:05 p.m.
Conference Room 325

Aloha Chair Lee, Vice Chair San Buenaventura and Committee Members:

My name is Kirby Shaw. I SUPPORT SB 1236, SD2 HD1 because the bill will improve the disabled persons parking program. However, SB 1236 SD2 made additional changes that would further improve the parking program. One change in particular is the amendment of HRS §291-55, which would limit the exemption from payment of parking meter and pay station fees to licensed drivers who are unable to reach or operate parking meters or pay stations because of a physical disability.

This provision seems to be a sticking point for some because they think it takes away the benefit of having a disabled persons parking permit. The truth is that anyone with such a permit may park in an accessible parking space reserved for persons with disabilities. The whole purpose of the permitting program is to issue permits to applicants who cannot walk 200 feet without stopping to rest because of a diagnosed physical disability. Persons who qualify are issued a permit that signifies that they may park in an accessible parking space. An accessible parking space has two main features: (1) close proximity between the parking space and an accessible entrance of a facility for persons with impeded mobility, and (2) an adjacent 5 or 8 foot access aisle for loading or unloading a mobility device. Thus, anyone who was issued a parking permit needs to use an accessible parking space. Again, this is the purpose of the parking permit program.

The 2.5 hour fee exemption is an exception for licensed drivers who cannot reach or operate parking meters or pay stations because of a physical disability. This exception to the payment rule makes no sense to extend to persons who are able to reach and operate parking meters or pay stations. Allowing HRS §291-55 to remain as is will continue to encourage an egregious abuse of the program.

Therefore, I request that you amend the current bill by restoring the wording of SB 1236, SD 2.

Thank you for considering my testimony.

KIRBY SHAW

TESTIMONY OF
LARRY S VERAY
TO
COMMITTEE ON JUDICIARY
SUPPORT OF SB 1236 SD2, HD1
RELATING TO PARKING FOR DISABLED PERSONS
MARCH 17, 2019

Aloha, Chair Chris Lee, Vice Chair Joy San Buenaventura and Committee members. Although I am Chair for the Pearl City Neighborhood Board No. 21, I am submitting this testimony as an individual.

This bill is extremely important to enhance safety, respect and ability for disabled drivers who are unable to reach, operate a parking meter or an unattended pay station because of one's physical disability, and who display a disabled paid parking exemption permit. Importantly, this bill allows law enforcement to confiscate a disabled parking permit that has been altered, invalid, sold or purchased illegally.

You have the ability to dramatically improve policy and the law for disabled persons that have been privileged with the use of disabled parking placards. Many family members and friends of those disabled persons who use their family members personal vehicle and disabled parking placard illegally will now have law enforcement to confiscate those altered or invalid placards. This bill will be an impact on the elderly and disabled when permits are confiscated by law enforcement; however, this bill will make those family members think about parking in a disabled parking stall illegally or altering placards for their own personal use.

I most strongly urge you to pass SB 1236 SD2, HD1. Mahalo!

Very respectfully,

Larry S. Veray